

REMARKS

Claim 58 is amended.

Claims 36-73 remain present in this case.

Restriction has been required from among the following identified claim groupings:

- 1) Group I: claims 36-59, drawn to a transgenic animal, a targeting vector and an ES cell containing the vector;
- 2) Group II: claims 60-61, drawn to a method for preparing humanized IgA antibodies using a transgenic animal;
- 3) Group III: claims 62-66, drawn to a humanized IgA antibody;
- 4) Group IV: claim 67, drawn to an immunogenic composition comprising an IgA antibody combined with an antigen;
- 5) Group V, claims 68-69, drawn to a composition comprising an IgA antibody and an active ingredient, and a method for preparing the composition;
- 6) Group VI, claims 70-72, drawn to a method for treating infectious disease; and
- 7) Group VII, claims 70, 71 and 73, drawn to a method for treating cancer.

In reply, Applicants provisionally elect with traverse to prosecute the claims of Group I, i.e., claims 36-59.

However, Applicants deem the requirement to be unwarranted inasmuch as this application is a §371 application, which entered the U.S. national stage from PCT/FR2004/002701. As such, any basis for partitioning claims for examination must be based upon the “lack of unity” standard applied under PCT Rules 13.1 and 13.2. These rules were not applied in this case, and they should have been.

Rather, the examiner has applied the U.S. restriction tests under MPEP 806 et seq.

Rather, the examiner has applied the U.S. restriction tests under MPEP 806 et seq.

Clearly, since there is no prior art of record that would impeach the novelty or unobviousness of any claimed aspect of the present invention, Applicants must conclude that there is ‘unity of invention’ for all claimed aspects of the present invention.

Additionally, even assuming, arguendo, that the tests of MPEP 806 et seq. were applicable, the examiner has not met the test of MPEP 803, required to show that a search of all identified aspects of a claimed invention would constitute a “serious burden.” Hence, the requirement for restriction would be improper for this reason as well.

COMPLIANCE WITH SEQUENCE LISTING REQUEST

GenBank AC073553, referred to in claim 58 and at page 13, lines 11-12 of the specification as filed, is the sequence of mouse chromosome 12, which is 187,523 bp.

In view of the size of this sequence, Applicants chose to incorporate in the sequence listing the sequences of the 5' and 3' fragments (each about 5kb) which are described in claim 58. These fragments correspond to positions 131281 to 136441 and 140101 to 145032, respectively of GenBank AC 073553 (see Annices 1 and 2 attached). They have, instead, now been incorporated as SEQ ID NO: 7 (5' fragments) and SEQ ID NO: 8 (3' fragments).

Accordingly, it is urged that the requirement for restriction be withdrawn and that a search and examination of all claimed aspects of the present invention proceed without further delay.

Mail Stop AMENDMENT
Attorney Docket No. 40521U

Favorable consideration is earnestly solicited.

Respectfully submitted,

THE NATH LAW GROUP



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Registration No. 30,996
Customer No. 20529

Date: July 1, 2009

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WEB/get

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|--|---|
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Showing 4.93kb region from base 140101 to 145032.

GenBank: AC073553.5

Mus musculus strain C57BL/6J chromosome 12 clone RP23-270B12, complete sequence

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 linear ROD 24-SEP-2002
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 clone RP23-270B12,
 complete sequence.
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 Vertebrata; Euteleostomi;
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Annex 2

Nucleotide

Change Region Shown

Whole sequence
 Selected Region
 from: to:

Customize View

Sequence Analysis Tools

BLAST Sequence

Find regions of similarity
 between this sequence
 and other sequences using
 BLAST.

Pick Primers

Design and test primers
 for this sequence using
 Primer-BLAST.

Recent Activity

Mus musculus strain
 C57BL/6J

AC073553 ([Nucleotide](#))

All links from this record

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